

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTINE DELK;
NAHANI BERRY;
and RICHARD WINTER,

Claimants.

NO. CR-09-0172-LRS-1
NO. CR-09-0172-LRS-2

**ORDER STAYING ENTRY OF FINAL
ORDER OF FORFEITURE ONLY
PENDING APPEAL**

BEFORE THE COURT, at the scheduled Ancillary/Motions hearing on December 19, 2011 is Clinton Lee Halbert's Motion to Clarify Court's Ruling Re: Forfeiture, ECF No. 332, filed December 9, 2011. The government contends that staying the entry of a Final Order of Forfeiture pending the Ninth Circuit appeal is unnecessary. However, as to the discovery and the ancillary proceeding for the determination and resolution of third party interests, the government objects to a stay of discovery and the ancillary hearing scheduled on April 4, 2012. Counsel for Clinton Halbert agrees with the government that the ancillary proceeding could and should move forward and no other counsel has objected thereto.

1 With regard to the outstanding claim of Claimant Richard
2 Winter for a 50% interest in the 580 Case Backhoe at issue in this
3 forfeiture proceeding, Claimant Winter and the government represent
4 that a resolution is on-going but nearly complete. This order is
5 entered to memorialize and supplement the Court's oral ruling.

6 Accordingly,

7 **IT IS HEREBY ORDERED:**

8 1. Clinton Lee Halbert's Motion to Clarify Court's Ruling Re:
9 Forfeiture, **ECF No. 332**, filed December 9, 2011 is **GRANTED in part and**
10 **DENIED in part.** The entry of a Final Order of Forfeiture pending the
11 Ninth Circuit appeal is stayed. Discovery and the Ancillary Hearing
12 shall remain on track.

13 2. A telephonic status conference **regarding the 580 Case Backhoe**
14 **only** is **RE-SET** for **January 9, 2012 at 10:00 a.m.** The participants
15 shall call the court's public conference line at 509-573-6932 at the
16 time scheduled for the conference. The previously set telephonic
17 status conference for January 3, 2012 is **VACATED.**

18 3. A telephonic status conference on all remaining matters
19 concerning forfeiture issues remains **SET** for **February 7, 2012 at 10:45**
20 **a.m.** The participants shall call the court's public conference line
21 at 509-573-6932 at the time scheduled for the conference.

22 4. All discovery shall be completed on or before **February 15,**
23 **2012.**

24 5. Claimant's briefing is due on or before **March 14, 2012.**

IT IS SO ORDERED. The District Court Executive is directed to enter this order and to provide copies to all counsel.

s/Lonny R. Suko

ORDER - 3